IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 9TH MARCH, 2007 / 18TH PHALGUNA, 1928

WA.No. 466 of 2007

(AGAINST THE JUDGEMENT IN OP.38339/2001 Dated 19/06/2006)
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APPELLANT/PETITIONER IN OP

C.P.SOMAN,
CHERUPPILLY HOUSE, AIMURY DESOM,
AIMURY P.O., (VIA)PERUMBAVOOR,
ERNAKULAM DISTRICT.

BY ADV. SRI.MAJNU KOMATH

RESPONDENTS/RESPONDENTS IN OP
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1. K.P.MATHAI,
KALAPPURAKKAL HOUSE, CONTRACTOR,
T.S.NO.146, AIMURY P.O., KOOVAPPADY VILLAGE,
PERUMBAVOOR, ERNAKULAM DISTRICT.

2. LABOUR COURT,
ERNAKULAM.

R1 BY GOVT.PLEADER SMT.K.MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN, Ag.C.J. & M.N. KRISHNAN, J.

W.A.NO. 466 of 2007 - B

Dated this the 9th day of March, 2007

J U D G M E N T

Radhakrishnan, Ag.C.J.

Petitioner had approached this Court by way of O.P.No.38339 of 2001 challenging the award passed by the Labour Court by which the order of dismissal has been confirmed. Petitioner was employed as a Salesman by the first respondent-Sri.K.P.Mathew who was a Contractor of Toddy Shop No.146 in Perumbavoor Range. The brother of the first respondent is the Manager of the shop. It is the case of the management that at about 3.30 pm on 20.08.1991, the workman came to the shop in an intoxicated state and wrongfully restrained and voluntarily caused hurt to Sri.K.P.Mathai. A criminal case was registered by the police against the workman. After investigation, the Police chargesheeted him before the Judicial First Class Magistrate Court, Perumbavoor. The learned Magistrate convicted and sentenced him. Later, in appeal, he was acquitted. The Management also chargesheeted the workman. He was suspended and a domestic enquiry was conducted. The enquiry was conducted by an Advocate who is the Enquiry Officer. On enquiry, the charges were found proved. The Management dismissed the petitioner from service.

Petitioner approached the Labour Court against the decision of the Management. The Court also concurred with the decision taken by the Management.

2. The learned Single Judge also confirmed the decision taken by the Labour Court. We find that there is no illegality or irregularity in the judgment passed by the learned Single Judge.

The writ appeal is dismissed.

K.S.RADHAKRISHNAN,
Acting Chief Justice

M.N.KRISHNAN
Mbs/ **Judge**